



4-7-05

EFW
#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6 April 2005.

Rosalie A. Centeno
Rosalie A. Centeno, Secretary

In the Application of: John Greeson et al

Serial No.: 10/659,840 (CIP of 09/844,316)

Filing Date: September 11, 2003

For: METHOD AND MIXTURE FOR PROTECTING ANIMALS AGAINST PESTS

Commissioner of Patents

Alexandria, Virginia 22313-1450

PETITION TO MAKE SPECIAL - PURSUANT TO MPEP 708.02 AND 37 CFR 1.102

With reference to the above-identified patent application, and pursuant to MPEP 708.02 II and 37 CFR 1.102, applicant hereby respectfully requests that the examination of this application be expedited due to infringement.

Attached please find a declaration by the applicant outlining the basis of infringement. Also enclosed is the fee required for this petition as set forth in § 1.17(h).

It is requested that any fees that have not been covered by a check, or any shortages in fees due, now or at any time during the examination of this application, be charged to Deposit Account 02-1653.

Respectfully submitted,

Robert W. Becker

Robert W. Becker, Reg. No. 26,255
for Applicant

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, New Mexico 87059
Telephone: (505) 286-3511
Facsimile: (505) 286-3524

04/07/2005 LWDNDIM1 00000069 10659840

01 FC:1464

130.00 OP

RWB:rac
Enclosures



ATTORNEY DOCKET #: 2166.007 CIP
US APPL SER #: 10/659,840
(CIP OF 09/844,316)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/659,840
Applicant : John Greeson et al
Filed : September 11, 2003
For : Method and Mixture for Protecting Animals Against Pests
TC/A.U. : 1616
Examiner : Neil Levy

Customer No: 30996


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF INFRINGEMENT – PURSUANT TO MPEP 708.02 AND 37
CFR 1.102

As inventors for US Patent Application Ser Nr. 10/659,840 , we hereby state the following:


1. That there is an infringing product and method actually on the market and in use by at least one known party, whose chemicals fall within the viscosity ranges we have claimed in the above-identified application.
2. That a rigid comparison of the products has been made and they do in fact fall within our claimed viscosity ranges and therefore unquestionably infringed some of the claims of our application.
3. That we have made a careful and thorough search of the pertinent prior art.
4. We also hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge

that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



John Greeson

Date: 3/28/05



Eric H. Bonewitz

Date: 3/22/05